

Express Mail No. E1528453985US  
Date of Deposit: 10/23/98



(1)  
**PATENT APPLICATION**  
Attorney Docket No. CTI-49 DIV1  
(17810-049)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : Carpenter  
ASSIGNEE : CytoTherapeutics, Inc.

Total No. of Pages 41  
(without references)

jc549 U.S. PTO  
09/178035  
10/23/98

**Box PATENT APPLICATION**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

October 23, 1998  
Boston, Massachusetts

**REQUEST FOR DIVISIONAL PATENT APPLICATION  
PURSUANT TO 37 C.F.R. 1.53(b)**

1. This is a request for a filing of a  
 continuation application  
 divisional application  
under 37 C.F.R. 1.53(b) of nonprovisional patent application U.S.S.N. 08/926,313, filed  
on September 5, 1997, entitled:

**HUMAN CNS NEURAL STEM CELLS**

2.  Specification (17 pages); Claims (2 pages); Abstract (1 page);
3.  Drawings  
 Formal  
 Informal - Four (4) Pages
4.  Declaration and Power of Attorney  
 Copy from prior application (3 pages)  
 Copy of Revocation by Assignee and new Power of  
Attorney from prior application ( pages)  
 Newly executed (original or copy)
5.  Information Disclosure Statement (IDS)  
 Copy of IDS (1 page) and PTO-1449 (4 page)  
 Copies of references cited  
 Copies of two Supplemental IDS and PTO 1449s (2 x 3 pages)

09/178035 10/23/98

6.  Amend the specification by inserting before the first line the sentence:

This application is a divisional application under 37 CFR §1.53(b) of U.S.S.N. 08/926,313 filed on September 5, 1997.

7. **Fee Calculation**

- A.  Regular application

Please cancel original claims 10-23 prior to calculating the filing fee.

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$790.00
Total Claims (37 C.F.R. 1.16(c))	2	– 20 =		\$ 22.00	0
Independent Claims (37 C.F.R. 1.16(b))	1	– 3 =		\$ 82.00	0
Multiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))				\$270.00	0

- Amendment canceling extra claims is enclosed.  
 Amendment deleting multiple-dependencies is enclosed.  
 Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 790.00

- B.  Design application  
(\$330.00–37 C.F.R. 1.16(f))

Filing Fee Calculation \$ \_\_\_\_\_

- C.  Plant application  
(\$540.00–37 C.F.R. 1.16(g))

Filing Fee Calculation \$ \_\_\_\_\_

8. **Small Entity Statement(s)**

- Statement(s) that this is a filing by a small entity under 37 C.F.R. 1.9 and 1.27 is (are) attached.  
 Status as a small entity was claimed in prior application 08/926,313, filed on September 5, 1997, from which benefit is being claimed for this application under:

- 35 U.S.C. '  119(e),  
 120,  
 121,  
 365(c),

and which status as a small entity is still proper and desired.

- A copy of the statement (2 pages) in the prior application is included.

9. **Filing Fee Calculation**

(50% of A, B or C above) \$ 395.00

**10. Fee Payment Being Made at This Time**

- Not Enclosed  
 Enclosed
- |  |                  |
|--|------------------|
| <input checked="" type="checkbox"/> Filing fee   | \$ 395.00        |
| <input type="checkbox"/> Recording assignment<br>(\$40.00; 37 C.F.R. 1.21(h))<br>(See attached "COVER SHEET FOR ASSIGNMENT<br>ACCOMPANYING NEW APPLICATION.")  | \$ _____         |
| <input type="checkbox"/> Petition fee for filing by other than all the<br>inventors or person on behalf of the inventor<br>where inventor refused to sign or cannot be reached<br>(\$130.00; 37 C.F.R. 1.47 and 1.17(i)) | \$ _____         |
| <b>Total fees enclosed</b>   | <b>\$ 395.00</b> |

**11. Method of Payment of Fees**

- Check in the amount of \$ 395.00  
 Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

**12. Authorization to Charge Additional Fees**

- The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0311.
- |   |
|---|
| <input checked="" type="checkbox"/> 37 C.F.R. 1.16(a), (f) or (g) (filing fees)   |
| <input type="checkbox"/> 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)  |
| <input type="checkbox"/> 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application) |
| <input type="checkbox"/> 37 C.F.R. 1.17(a)(1)-(5) (extension fees pursuant to §1.136(a))  |
| <input checked="" type="checkbox"/> 37 C.F.R. 1.17 (application processing fees)  |
| <input type="checkbox"/> 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))                                   |

**13. Instructions as to Overpayment**

- Credit Account No. 50-0311  
 Refund

**14. Other Documents Enclosed.**

Applicant: Carpenter.  
Request for Divisional Patent Application (37 C.F.R. §1.53(b))

- Associate Power of Attorney (1 page)
- Preliminary Amendment (2 pages)

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529  
John Prince, 43,019  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241

Dated: October 23, 1998

TRADOCS: 1142178.1 (\_hb601!.doc)

USPTO USE ONLY

Express Mail No.: EI518453985US  
Date of Deposit: 10/23/98

CTI-49 (Div. 1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

Examiner : To be assigned  
Group Art Unit : To be assigned  
Applicant : Carpenter  
Serial No. : To be assigned  
Divisional Application of  
Serial No. : 08/926,313  
Filed : September 5, 1997  
For : HUMAN CNS NEURAL STEM CELLS

---

**Box Patent Application**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Boston, Massachusetts  
October 23, 1998

**PRELIMINARY AMENDMENT**

Please amend the above-identified application as follows:

**IN THE CLAIMS**

Please delete claims 1-6 and 9-11, without prejudice to their later prosecution in this or another patent application.

**IN THE SPECIFICATION**

On page 1, between lines 5 and 6, please insert

**-- RELATED APPLICATIONS**

This is a divisional application of U.S. Patent Application Serial No. 08/926,313, filed September 5, 1997. --

**REMARKS**

This Preliminary Amendment is being filed with a Divisional Application in the above-identified application. Upon entry of the present Preliminary Amendment, claims 7-8 are pending. Referring to the September 16, 1998 Restriction Requirement in U.S. Patent Application 08/926,313, claims 7-8 are the invention of Group II, drawn to cell culture media.

## **CONCLUSION**

This application is believed be in condition for allowance, and a statement to this effect is respectfully requested. Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



Ivor R. Elrifi (Reg. No. 39,529)  
John Prince (Reg. No. 43,019)  
Attorneys for Applicants  
c/o MINTZ LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Telephone: (617) 542-6000  
Telefax: (617) 542-2241

TRADECS: 1140684.1 (\\_g5\\_01!.doc)  
10/23/98 14:47

5

## CULTURES OF HUMAN CNS NEURAL STEM CELLS

### TECHNICAL FIELD OF THE INVENTION

This invention relates to isolation of human central nervous system stem cells, and methods and media for proliferating, differentiating and transplanting them.

10

### BACKGROUND OF THE INVENTION

During development of the central nervous system ("CNS"), multipotent precursor cells, also known as neural stem cells, proliferate, giving rise to transiently dividing progenitor cells that eventually differentiate into the cell types that compose the adult brain. Neural stem cells are classically defined as having the ability to self-renew (*i.e.*, form more stem cells), to proliferate, and to differentiate into multiple different phenotypic lineages, including neurons, astrocytes and oligodendrocytes.

These neural stem cells have been isolated from several mammalian species, including mice, rats, pigs and humans. *See, e.g.*, WO 93/01275, WO 94/09119, WO 94/10292, WO 94/16718 and Cattaneo *et al.*, *Mol. Brain Res.*, 42, pp. 161-66 (1996), all herein incorporated by reference.

Human CNS neural stem cells, like their rodent homologues, when maintained in a mitogen-containing (typically epidermal growth factor or epidermal growth factor plus basic fibroblast growth factor), serum-free culture medium, grow in suspension culture to form aggregates of cells known as "neurospheres". In the prior art, human neural stem cells have doubling rates of about 30 days. *See, e.g.*, Cattaneo *et al.*, *Mol. Brain Res.*, 42, pp. 161-66 (1996). Upon removal of the mitogen(s) and provision of a substrate, the stem cells differentiate into neurons, astrocytes and oligodendrocytes. In the prior art, the majority of cells in the differentiated cell population have been identified as astrocytes, with very few neurons (<10%) being observed.

25

There remains a need to increase the rate of proliferation of neural stem cell cultures. There also remains a need to increase the number of neurons in the differentiated cell population. There further remains a need to improve the viability of neural stem cell grafts upon implantation into a host.

30

45

50

55

60

65

70

75

80

85

90

95

### SUMMARY OF THE INVENTION

This invention provides novel human central nervous system stem cells, and methods and media for proliferating, differentiating and transplanting them. In one embodiment, this invention provides novel human stem cells with a doubling rate of between 5-10 days, as well as defined growth media for prolonged proliferation of human neural stem cells. The invention also provides differentiated cell populations of human neural stem cells that provide previously unobtainable large numbers of neurons, as well as astrocytes and oligodendrocytes. This invention also provides novel methods for transplanting neural stem cells that improve the viability of the graft upon implantation in a host.

10

### BRIEF DESCRIPTION OF THE DRAWINGS

Fig. 1 shows a representation of spheres of proliferating 9FBr human neural stem cells (passage 6) derived from human forebrain tissue.

Fig. 2, *Panel A*, shows a growth curve for a human neural stem cell line designated 6.5Fbr cultured in (a) defined media containing EGF, FGF and leukemia inhibitory factor (“LIF”) (shown as closed diamonds), and (b) the same media but without LIF (shown as open diamonds); *Panel B* shows a growth curve for a human neural stem cell line designated 9Fbr cultured in (a) defined media containing EGF, FGF and LIF (shown as closed diamonds), and (b) the same media but without LIF (shown as open diamonds); *Panel C* shows a growth curve for a human neural stem cell line designated 9.5Fbr cultured in (a) defined media containing EGF, FGF and LIF (shown as closed diamonds), and (b) the same media but without LIF (shown as open diamonds); *Panel D* shows a growth curve for a human neural stem cell line designated 10.5Fbr cultured in (a) defined media containing EGF, FGF and leukemia inhibitory factor (“LIF”) (shown as closed diamonds), and (b) the same media but without LIF (shown as open diamonds).

Fig. 3 shows a growth curve for a human neural stem cell line designated 9Fbr cultured in (a) defined media containing EGF and basic fibroblast growth factor (“bFGF”) (shown as open diamonds), and (b) defined media with EGF but without bFGF (shown as closed diamonds).

Fig. 4 shows a graph of cell number versus days in culture for an Mx-1 conditionally immortalized human glioblast line derived from a human neural stem cell line. The open squares denote growth in the presence of interferon, the closed diamonds denote growth in the absence of interferon.

PCT/US2003/03530

20

25

30

### **DETAILED DESCRIPTION OF THE INVENTION**

This invention relates to isolation, characterization, proliferation, differentiation and transplantation of CNS neural stem cells.

In one embodiment the invention provides novel human CNS stem cells isolated from the forebrain. We have isolated 4 neural stem cell lines from human forebrain, all of which exhibit neural stem cell properties; namely, the cells are self renewing, the cells proliferate for long periods in mitogen containing serum free medium, and the cells, when differentiated, comprise a cell population of neurons, astrocytes and oligodendrocytes. These cells are capable of doubling every 5-10 days, in contrast with the prior art diencephalon-derived human neural stem cells.

Reported proliferation rates of diencephalon-derived human neural stem cells approximate one doubling every 30 days. *See Cattaneo et al., Mol. Brain Res., 42, pp. 161-66 (1996).*

Any suitable tissue source may be used to derive the neural stem cells of this invention. Both allografts and autografts are contemplated for transplantation purposes.

This invention also provides a novel growth media for proliferation of neural stem cells. Provided herein is a serum-free or serum-depleted culture medium for the short term and long term proliferation of neural stem cells.

A number of serum-free or serum-depleted culture media have been developed due to the undesirable effects of serum which can lead to inconsistent culturing results. *See, e.g., WO 95/00632 (incorporated herein by reference), and prior art medium described therein.*

Prior to development of the novel media described herein, neural stem cells have been cultured in serum-free media containing epidermal growth factor (“EGF”) or an analog of EGF, such as amphiregulin or transforming growth factor alpha (“TGF-a”), as the mitogen for proliferation. *See, e.g., WO 93/01275, WO 94/16718, both incorporated herein by reference.* Further, basic fibroblast growth factor (“bFGF”) has been used, either alone, or in combination with EGF, to enhance long term neural stem cell survival.

The improved medium according to this invention, which contains leukemia inhibitory factor (“LIF”), markedly and unexpectedly increases the rate of proliferation of neural stem cells, particularly human neural stem cells.

We have compared growth rates of the forebrain-derived stem cells described herein in the presence and absence of LIF; unexpectedly we have found that LIF dramatically increases the rate of cellular proliferation in almost all cases.

The medium according to this invention comprises cell viability and cell proliferation effective amounts of the following components:

- (a) a standard culture medium being serum-free (containing 0-0.49% serum) or serum-depleted (containing 0.5-5.0% serum), known as a "defined" culture medium, such as Iscove's modified Dulbecco's medium ("IMDM"), RPMI, DMEM, Fischer's, alpha medium, Leibovitz's, L-15, NCTC, F-10, F-12, MEM and McCoy's;
- (b) a suitable carbohydrate source, such as glucose;
- (c) a buffer such as MOPS, HEPES or Tris, preferably HEPES;
- 10 (d) a source of hormones including insulin, transferrin, progesterone, selenium, and putrescine;
- (e) one or more growth factors that stimulate proliferation of neural stem cells, such as EGF, bFGF, PDGF, NGF, and analogs, derivatives and/or combinations thereof, preferably EGF and bFGF in combination;
- (f) LIF

Standard culture media typically contains a variety of essential components required for cell viability, including inorganic salts, carbohydrates, hormones, essential amino acids, vitamins, and the like. We prefer DMEM or F-12 as the standard culture medium, most preferably a 50/50 mixture of DMEM and F-12. Both media are commercially available (DMEM - Gibco 12100-046; F-12 - Gibco 21700-075). A premixed formulation is also commercially available (N2 - Gibco 17502-030). It is advantageous to provide additional glutamine, preferably at about 2 mM. It is also advantageous to provide heparin in the culture medium. Preferably, the conditions for culturing should be as close to physiological as possible. The pH of the culture medium is typically between 6-8, preferably about 7, most preferably about 7.4. Cells are typically cultured between 30 - 40° C, preferably between 32 - 38° C, most preferably between 35 - 37° C. Cells are preferably grown in 5% CO<sub>2</sub>. Cells are preferably grown in suspension culture.

In one exemplary embodiment, the neural stem cell culture comprises the following components in the indicated concentrations:

Component	Final Concentration
50/50 mix of DMEM/F-12	0.5 - 2.0 X, preferably 1X
glucose	0.2 - 1.0%, preferably 0.6% w/v
glutamine	0.1 - 10 mM, preferably 2 mM
NaHCO <sub>3</sub>	0.1 - 10 mM, preferably 3 mM
HEPES	0.1 - 10 mM, preferably 5 mM
apo-human transferrin (Sigma T-2252)	1-1000 µg/ml, preferably 100 µg/ml
human insulin (Sigma I-2767)	1-100, preferably 25 µg/ml
putrescine (Sigma P-7505)	1-500, preferably 60 µM
selenium (Sigma S-9133)	1-100, preferably 30 nM
progesterone (Sigma P-6149)	1-100, preferably 20 nM
human EGF (Gibco 13247-010)	0.2-200, preferably 20 ng/ml
human bFGF (Gibco 13256-029)	0.2-200, preferably 20 ng/ml
human LIF (R&D Systems 250-L)	0.1-500, preferably 10 ng/ml
heparin (Sigma H-3149)	0.1-50, preferably 2 µg/ml
CO <sub>2</sub>	preferably 5%

Serum albumin may also be present in the instant culture medium — although the present medium is generally serum-depleted or serum-free (preferably serum-free), certain serum components which are chemically well defined and highly purified (>95%), such as serum albumin, may be included.

The human neural stem cells described herein may be cryopreserved according to routine procedures. We prefer cryopreserving about one to ten million cells in "freeze" medium which consists of proliferation medium (absent the growth factor mitogens), 10 % BSA (Sigma A3059) and 7.5% DMSO. Cells are centrifuged. Growth medium is aspirated and replaced with freeze medium. Cells are resuspended gently as spheres, not as dissociated cells. Cells are slowly frozen, by, e.g., placing in a container at -80°C. Cells are thawed by swirling in a 37°C bath, resuspended in fresh proliferation medium, and grown as usual.

In another embodiment, this invention provides a differentiated cell culture containing previously unobtainable large numbers of neurons, as well as astrocytes and oligodendrocytes. In the prior art, typically the differentiated human diencephalon-derived neural stem cell cultures formed very few neurons (*i.e.*, less than 5-10%). According to this methodology, we have routinely achieved neuron concentrations of between 20% and 35% (and much higher in other cases) in differentiated human forebrain-derived neural stem cell cultures. This is highly advantageous as it permits enrichment of the neuronal population prior to implantation in the host in disease indications where neuronal function has been impaired or lost.

10  
15  
20

Further, according to the methods of this invention, we have achieved differentiated neural stem cell cultures that are highly enriched in GABA-ergic neurons. Such GABA-ergic neuron enriched cell cultures are particularly advantageous in the potential therapy of excitotoxic neurodegenerative disorders, such as Huntington's disease or epilepsy.

5 In order to identify the cellular phenotype either during proliferation or differentiation of the neural stem cells, various cell surface or intracellular markers may be used.

10

When the neural stem cells of this invention are proliferating as neurospheres, we contemplate using human nestin antibody as a marker to identify undifferentiated cells. The proliferating cells should show little GFAP staining and little b -tubulin staining (although some staining might be present due to diversity of cells within the spheres).

When differentiated, most of the cells lose their nestin positive immunoreactivity. In particular, antibodies specific for various neuronal or glial proteins may be employed to identify the phenotypic properties of the differentiated cells. Neurons may be identified using antibodies to neuron specific enolase ("NSE"), neurofilament, tau, b-tubulin, or other known neuronal markers. Astrocytes may be identified using antibodies to glial fibrillary acidic protein ("GFAP"), or other known astrocytic markers. Oligodendrocytes may be identified using antibodies to galactocerebroside, O4, myelin basic protein ("MBP") or other known oligodendrocytic markers.

It is also possible to identify cell phenotypes by identifying compounds characteristically produced by those phenotypes. For example, it is possible to identify neurons by the production of neurotransmitters such as acetylcholine, dopamine, epinephrine, norepinephrine, and the like.

25

Specific neuronal phenotypes can be identified according to the specific products produced by those neurons. For example, GABA-ergic neurons may be identified by their production of glutamic acid decarboxylase ("GAD") or GABA. Dopaminergic neurons may be identified by their production of dopa decarboxylase ("DDC"), dopamine or tyrosine hydroxylase ("TH"). Cholinergic neurons may be identified by their production of choline acetyltransferase ("ChAT"). Hippocampal neurons may be identified by staining with NeuN. It will be appreciated that any suitable known marker for identifying specific neuronal phenotypes may be used.

30

The human neural stem cells described herein can be genetically engineered or modified according to known methodology.

A gene of interest (*i.e.*, a gene that encodes a biologically active molecule) can be inserted into a cloning site of a suitable expression vector by using standard techniques. These techniques are well known to those skilled in the art. *See, e.g.*, WO 94/16718, incorporated herein by reference.

5 The expression vector containing the gene of interest may then be used to transfect the desired cell line. Standard transfection techniques such as calcium phosphate co-precipitation, DEAE-dextran transfection, electroporation, biolistics, or viral transfection may be utilized. Commercially available mammalian transfection kits may be purchased from *e.g.*, Stratagene. Human adenoviral transfection may be accomplished as described in Berg *et al. Exp. Cell Res.*, 10 192, pp. (1991). Similarly, lipofectamine-based transfection may be accomplished as described in Cattaneo, *Mol. Brain Res.*, 42, pp. 161-66 (1996).

A wide variety of host/expression vector combinations may be used to express a gene encoding a biologically active molecule of interest. *See, e.g.*, United States patent 5,545,723, herein incorporated by reference, for suitable cell-based production expression vectors.

15 Increased expression of the biologically active molecule can be achieved by increasing or amplifying the transgene copy number using amplification methods well known in the art. Such amplification methods include, *e.g.*, DHFR amplification (*see, e.g.*, Kaufman *et al.*, United States patent 4,470,461) or glutamine synthetase ("GS") amplification (*see, e.g.*, United States patent 5,122,464, and European published application EP 338,841), all herein incorporated by reference.

20 The neural stem cells described herein, and their differentiated progeny may be immortalized or conditionally immortalized using known techniques. We prefer conditional immortalization of stem cells, and most preferably conditional immortalization of their differentiated progeny. Among the conditional immortalization techniques contemplated are Tet-25 conditional immortalization (*see* WO 96/31242, incorporated herein by reference), and Mx-1 conditional immortalization (*see* WO 96/02646, incorporated herein by reference).

This invention also provides methods for differentiating neural stem cells to yield cell cultures enriched with neurons to a degree previously unobtainable. According to one protocol, the proliferating neurospheres are induced to differentiate by removal of the growth factor 30 mitogens and LIF, and provision of 1% serum, a substrate and a source of ionic charges (*e.g.*, glass cover slip covered with poly-ornithine or extracellular matrix components). The preferred base medium for this differentiation protocol, excepting the growth factor mitogens and LIF, is

1234567890

15

20

25

otherwise the same as the proliferation medium. This differentiation protocol produces a cell culture enriched in neurons. According to this protocol, we have routinely achieved neuron concentrations of between 20% and 35% in differentiated human forebrain-derived neural stem cell cultures.

5       According to a second protocol, the proliferating neurospheres are induced to differentiate by removal of the growth factor mitogens, and provision of 1% serum, a substrate and a source of ionic charges (e.g., glass cover slip covered with poly-ornithine or extracellular matrix components), as well as a mixture of growth factors including PDGF, CNTF, IGF-1, LIF, forskolin, T-3 and NT-3. The cocktail of growth factors may be added at the same time as the neurospheres are removed from the proliferation medium, or may be added to the proliferation medium and the cells pre-incubated with the mixture prior to removal from the mitogens. This protocol produces a cell culture highly enriched in neurons and enriched in oligodendrocytes. According to this protocol, we have routinely achieved neuron concentrations of higher than 35% in differentiated human forebrain-derived neural stem cell cultures.

10      The human stem cells of this invention have numerous uses, including for drug screening, diagnostics, genomics and transplantation.

15      The cells of this invention may be transplanted "naked" into patients according to conventional techniques, into the CNS, as described for example, in United States patents 5,082,670 and 5,618,531, each incorporated herein by reference, or into any other suitable site in the body.

20      In one embodiment, the human stem cells are transplanted directly into the CNS. Parenchymal and intrathecal sites are contemplated. It will be appreciated that the exact location in the CNS will vary according to the disease state. According to one aspect of this invention, provided herein is methodology for improving the viability of transplanted human neural stem cells. In particular, we have discovered that graft viability improves if the transplanted neural stem cells are allowed to aggregate, or to form neurospheres prior to implantation, as compared to transplantation of dissociated single cell suspensions. We prefer transplanting small sized neurospheres, approximately 10-500  $\mu\text{m}$  in diameter, preferably 40-50  $\mu\text{m}$  in diameter. Alternatively, we prefer spheres containing about 5-100, preferably 5-20 cells per sphere. We 25 contemplate transplanting at a density of about 10,000 -1,000,000 cells per  $\mu\text{l}$ , preferably 25,000 - 500,000 cells per  $\mu\text{l}$ .

The cells may also be encapsulated and used to deliver biologically active molecules, according to known encapsulation technologies, including microencapsulation (see, e.g., United States patents 4,352,883; 4,353,888; and 5,084,350, herein incorporated by reference), (b) macroencapsulation (see, e.g., United States patents 5,284,761, 5,158,881, 4,976,859 and 4,968,733 and published PCT patent applications WO92/19195, WO 95/05452, each incorporated herein by reference).

If the human neural stem cells are encapsulated, we prefer macroencapsulation, as described in United States patents 5,284,761; 5,158,881; 4,976,859; 4,968,733; 5,800,828 and published PCT patent application WO 95/05452, each incorporated herein by reference. Cell number in the devices can be varied; preferably each device contains between  $10^3$  -  $10^9$  cells, most preferably  $10^5$  to  $10^7$  cells. A large number of macroencapsulation devices may be implanted in the patient; we prefer between one to 10 devices.

In addition, we also contemplate "naked" transplantation of human stem cells in combination with a capsular device wherein the capsular device secretes a biologically active molecule that is therapeutically effective in the patient or that produces a biologically active molecule that has a growth or trophic effect on the transplanted neural stem cells, or that induces differentiation of the neural stem cells towards a particular phenotypic lineage.

The cells and methods of this invention may be useful in the treatment of various neurodegenerative diseases and other disorders. It is contemplated that the cells will replace diseased, damaged or lost tissue in the host. Alternatively, the transplanted tissue may augment the function of the endogenous affected host tissue. The transplanted neural stem cells may also be genetically modified to provide a biologically active molecule that is therapeutically effective

Excitotoxicity has been implicated in a variety of pathological conditions including epilepsy, stroke, ischemia, and neurodegenerative diseases such as Huntington's disease, Parkinson's disease and Alzheimer's disease. Accordingly, neural stem cells may provide one means of preventing or replacing the cell loss and associated behavioral abnormalities of these disorders.

Huntington's disease (HD) is an autosomal dominant neurodegenerative disease characterized by a relentlessly progressive movement disorder with devastating psychiatric and cognitive deterioration. HD is associated with a consistent and severe atrophy of the neostriatum which is related to a marked loss of the GABAergic medium-sized spiny projection neurons, the

major output neurons of the striatum. Intrastratal injections of excitotoxins such as quinolinic acid (QA) mimic the pattern of selective neuronal vulnerability seen in HD. QA lesions result in motor and cognitive deficits which are among the major symptoms seen in HD. Thus,  
5 intrastratal injections of QA have become a useful model of HD and can serve to evaluate novel therapeutic strategies aimed at preventing, attenuating, or reversing neuroanatomical and behavioral changes associated with HD. Because GABA-ergic neurons are characteristically lost in Huntington's disease, we contemplate treatment of Huntington's patients by transplantation of cell cultures enriched in GABA-ergic neurons derived according to the methods of this invention.

10 Epilepsy is also associated with excitotoxicity. Accordingly, GABA-ergic neurons derived according to this invention are contemplated for transplantation into patients suffering from epilepsy.

15 We also contemplate use of the cells of this invention in the treatment of various demyelinating and dysmyelinating disorders, such as Pelizaeus-Merzbacher disease, multiple sclerosis, various leukodystrophies, post-traumatic demyelination, and cerebrovascular (CVS) accidents, as well as various neuritis and neuropathies, particularly of the eye. We contemplate using cell cultures enriched in oligodendrocytes or oligodendrocyte precursor or progenitors, such cultures prepared and transplanted according to this invention to promote remyelination of demyelinated areas in the host.

20 We also contemplate use of the cells of this invention in the treatment of various acute and chronic pains, as well as for certain nerve regeneration applications (such as spinal cord injury). We also contemplate use of human stem cells for use in sparing or sprouting of photoreceptors in the eye.

25 The cells and methods of this invention are intended for use in a mammalian host, recipient, patient, subject or individual, preferably a primate, most preferably a human.

25

The following examples are provided for illustrative purposes only, and are not intended to be limiting.

## EXAMPLES

### EXAMPLE 1 MEDIA FOR PROLIFERATING NEURAL STEM CELLS

5

Proliferation medium was prepared with the following components in the indicated concentrations:

Component	Final Concentration
50/50 mix of DMEM/F-12	1X
glucose	0.6% w/v
glutamine	2 mM
NaHCO <sub>3</sub>	3 mM
HEPES	5 mM
apo-human transferrin (Sigma T-2252)	100 µg/ml
human insulin (Sigma I-2767)	25 µg/ml
putrescine (Sigma P-7505)	60 µM
selenium (Sigma S-9133)	30 nM
progesterone (Sigma P-6149)	20 nM
human EGF (Gibco 13247-010)	20 ng/ml
human bFGF (Gibco 13256-029)	20 ng/ml
human LIF (R&D Systems 250-L)	10 ng/ml
heparin (Sigma H-3149)	2 µg/ml

### EXAMPLE 2 ISOLATION OF HUMAN CNS NEURAL STEM CELLS

15

Sample tissue from human embryonic forebrain was collected and dissected in Sweden and kindly provided by Huddinge Sjukhus. Blood samples from the donors were sent for viral testing. Dissections were performed in saline and the selected tissue was placed directly into proliferation medium (as described in Example 1). Tissue was stored at 4° C until dissociated. The tissue was dissociated using a standard glass homogenizer, without the presence of any digesting enzymes. The dissociated cells were counted and seeded into flasks containing proliferation medium. After 5-7 days, the contents of the flasks are centrifuged at 1000 rpm for 2 min. The supernatant was aspirated and the pellet resuspended in 200 µl of proliferation medium. The cell clusters were triturated using a P200 pipetman about 100 times to break up the clusters. Cells were reseeded at 75,000 - 100,000 cells/ml into proliferation medium. Cells were passaged every 6-21 days depending upon the mitogens used and the seeding density. Typically these cells incorporate BrdU, indicative of cell proliferation. For T75 flask cultures (initial volume 20 ml),

20

cells are “fed” 3 times weekly by addition of 5 ml of proliferation medium. We prefer Nunc flasks for culturing.

#### Nestin Staining for Proliferating Neurospheres

We stained for nestin ( a measure of proliferating neurospheres) as follows. Cells were fixed for 20 min at room temperature with 4% paraformaldehyde. Cells were washed twice for 5 min with 0.1 M PBS, pH 7.4. Cells were permeabilized for 2 min with 100% EtOH. The cells were then washed twice for 5 min with 0.1 M PBS. Cell preparations were blocked for 1 hr at room temperature in 5% normal goat serum (“NGS”) diluted in 0.1M PBS, pH 7.4 and 1% Triton X-100 (Sigma X-100) for 1 hr at room temperature with gentle shaking. Cells were incubated with primary antibodies to human nestin (from Dr. Lars Wahlberg, Karolinska, Sweden, rabbit polyclonal used at 1:500) diluted in 1% NGS and 1% Triton X-100 for 2 hr at room temperature. Preparations were then washed twice for 5 min with 0.1 M PBS. Cells were incubated with secondary antibodies (pool of GAM/FITC used at 1:128, Sigma F-0257; GAR/TRITC used at 1:80, Sigma T-5268) diluted in 1% NGS and 1% Triton X-100 for 30 min at room temperature in the dark. Preparations are washed twice for 5 min with 0.1 M PBS in the dark. Preparations are mounted onto slides face down with mounting medium (Vectashield Mounting Medium, Vector Labs., H-1000) and stored at 4°C.

Figure 1 shows a picture of proliferating spheres (here called “neurospheres”) of human forebrain derived neural stem cells. We evaluated proliferation of 4 lines of human forebrain derived neural stem cells in proliferation medium as described above with LIF present or absent.

As Figure 2 shows, in three of the four lines (6.5 Fbr, 9Fbr, and 10.5FBr), LIF significantly increased the rate of cell proliferation. The effect of LIF was most pronounced after about 60 days in vitro.

We also evaluated the effect of bFGF on the rate of proliferation of human forebrain-derived neural stem cells. As Figure 3 shows, in the presence of bFGF, the stem cells proliferation was significantly enhanced.

**EXAMPLE 3**  
**DIFFERENTIATION OF HUMAN NEURAL STEM CELLS**

In a first differentiation protocol, the proliferating neurospheres were induced to  
5 differentiate by removal of the growth factor mitogens and LIF, and provision of 1% serum, a  
substrate and a source of ionic charges(e.g., glass cover slip covered with poly-ornithine).

The staining protocol for neurons, astrocytes and oligodendrocytes was as follows:

**$\beta$ -tubulin Staining for Neurons**

Cells were fixed for 20 min at room temperature with 4% paraformaldehyde. Cells were  
10 washed twice for 5 min with 0.1 M PBS, pH 7.4. Cells were permeabilized for 2 min with 100%  
EtOH. The cells were then washed twice for 5 min with 0.1 M PBS. Cell preparations were  
blocked for 1 hr at room temperature in 5% normal goat serum (“NGS”) diluted in 0.1M PBS,  
pH 7.4. Cells were incubated with primary antibodies to b-tubulin (Sigma T-8660, mouse  
monoclonal; used at 1:1,000) diluted in 1% NGS for 2 hr at room temperature. Preparations were  
then washed twice for 5 min with 0.1 M PBS. Cells were incubated with secondary antibodies  
(pool of GAM/FITC used at 1:128, Sigma F-0257; GAR/TRITC used at 1:80, Sigma T-5268)  
diluted in 1% NGS for 30 min at room temperature in the dark. Preparations are washed twice for  
5 min with 0.1 M PBS in the dark. Preparations are mounted onto slides face down with  
mounting medium (Vectashield Mounting Medium, Vector Labs., H-1000) and stored at 4°C.

In some instances we also stain with DAPI (a nuclear stain), as follows. Coverslips  
prepared as above are washed with DAPI solution (diluted 1:1000 in 100% MeOH, Boehringer  
Mannheim, # 236 276). Coverslips are incubated in DAPI solution for 15 min at 37°C.

**O4 Staining for Oligodendrocytes**

Cells were fixed for 10 min at room temperature with 4% paraformaldehyde. Cells were  
25 washed three times for 5 min with 0.1 M PBS, pH 7.4. Cell preparations were blocked for 1 hr at  
room temperature in 5% normal goat serum (“NGS”) diluted in 0.1M PBS, pH 7.4. Cells were  
incubated with primary antibodies to O4 (Boehringer Mannheim # 1518 925, mouse monoclonal;  
used at 1:25) diluted in 1% NGS for 2 hr at room temperature. Preparations were then washed  
twice for 5 min with 0.1 M PBS. Cells were incubated with secondary antibodies, and further  
30 processed as described above for b-tubulin.

**GFAP Staining for Astrocytes**

Cells were fixed for 20 min at room temperature with 4% paraformaldehyde. Cells were  
washed twice for 5 min with 0.1 M PBS, pH 7.4. Cells were permeabilized for 2 min with 100%

REPRODUCED BY ERIN GRIFFITHS

EtOH. The cells were then washed twice for 5 min with 0.1 M PBS. Cell preparations were blocked for 1 hr at room temperature in 5% normal goat serum ("NGS") diluted in 0.1M PBS, pH 7.4. Cells were incubated with primary antibodies to GFAP (DAKO Z 334, rabbit polyclonal; used at 1:500) diluted in 1% NGS for 2 hr at room temperature. Preparations were then washed 5 twice for 5 min with 0.1 M PBS. Cells were incubated with secondary antibodies, and further processed as described above for b-tubulin.

This differentiation protocol produced cell cultures enriched in neurons as follows:

Cell Line	Passage	%GFAP Positive	%b-tubulin positive	% of neurons that are GABA positive
6.5FBr	5	15	37	20
9FBr	7	52	20	35
10.5FBr	5	50	28	50

40 We also evaluated the ability of a single cell line to differentiate consistently as the culture aged (*i.e.*, at different passages), using the above differentiation protocol. The data are as follows:

Cell Line	Passage	%GFAP Positive	%b-tubulin positive	% of neurons that are GABA positive
9FBr	7	53	20.4	ND
9FBr	9	ND	20.3	34.5
9FBr	15	62	17.9	37.9

15 We conclude from these data that cells will follow reproducible differentiation patterns irrespective of passage number or culture age.

#### EXAMPLE 4 DIFFERENTIATION OF HUMAN NEURAL STEM CELLS

20 In a second differentiation protocol, the proliferating neurospheres were induced to differentiate by removal of the growth factor mitogens and LIF, and provision of 1% serum, a substrate (*e.g.*, glass cover slip or extracellular matrix components), a source of ionic charges (*e.g.*, poly-ornithine) as well as a mixture of growth factors including 10 ng/ml PDGF A/B, 10 ng/ml CNTF, 10 ng/ml IGF-1, 10 µM forskolin, 30 ng/ml T3, 10 ng/ml LIF and 1 ng/ml NT-3.  
25 This differentiation protocol produced cell cultures highly enriched in neurons (*i.e.*, greater than 35% of the differentiated cell culture) and enriched in oligodendrocytes.

**EXAMPLE 5**  
**GENETIC MODIFICATION**

We have conditionally immortalized a glioblast cell line derived from the human neural  
5 stem cells described herein, using the Mx-1 system described in WO 96/02646. In the Mx-1 system, the Mx-1 promoter drives expression of the SV40 large T antigen. The Mx-1 promoter is induced by interferon. When induced, large T is expressed, and quiescent cells proliferate.

Human glioblasts were derived from human forebrain neural stem cells as follows.

Proliferating human neurospheres were removed from proliferation medium and plated onto  
10 poly-ornithine plastic (24 well plate) in a mixture of N2 with the mitogens EGF, bFGF and LIF, as well as 0.5% FBS. 0.5 ml of N2 medium and 1% FBS was added. The cells were incubated overnight. The cells were then transfected with p318 (a plasmid containing the Mx-1 promoter operably linked to the SV 40 large T antigen) using Invitrogen lipid kit (lipids 4 and 6). The transfection solution contained 6 µl/ml of lipid and 4 µl/ml DNA in optiMEM medium. The cells were incubated in transfection solution for 5 hours. The transfection solution was removed and cells placed into N2 and 1% FBS and 500 U/ml A/D interferon. The cells were fed twice a week. After ten weeks cells were assayed for large T antigen expression. The cells showed robust T antigen staining at this time. As Figure 4 shows, cell number was higher in the presence of interferon than in the absence of interferon.

Large T expression was monitored using immunocytochemistry as follows. Cells were fixed for 20 min at room temperature with 4% paraformaldehyde. Cells were washed twice for 5 min with 0.1 M PBS, pH 7.4. Cells were permeabilized for 2 min with 100% EtOH. The cells were then washed twice for 5 min with 0.1 M PBS. Cell preparations were blocked for 1 hr at room temperature in 5% normal goat serum (“NGS”) diluted in 0.1M PBS, pH 7.4. Cells were incubated with primary antibodies to large T antigen (used at 1:10) diluted in 1% NGS for 2 hr at room temperature. We prepared antibody to large T antigen in house by culturing PAB 149 cells and obtaining the conditioned medium. Preparations were then washed twice for 5 min with 0.1 M PBS. Cells were incubated with secondary antibodies (goat-anti-mouse biotinylated at 1:500 from Vector Laboratories, Vectastain Elite ABC mouse IgG kit, PK-6102) diluted in 1% NGS for 30 min at room temperature. Preparations are washed twice for 5 min with 0.1 M PBS. Preparations are incubated in ABC reagent diluted 1:500 in 0.1 M PBS, pH 7.4 for 30 min at room temperature. Cells are washed twice for 5 min in 0.1 M PBS, pH 7.4, then washed twice for 5 min in 0.1 M Tris, pH 7.6. Cells are incubated in DAB (nickel intensification) for 5 min at

room temperature. The DAB solution is removed, and cells are washed three to five times with dH<sub>2</sub>O. Cells are stored in 50% glycerol/50% 0.1 M PBS, pH 7.4.

5

### EXAMPLE 6 ENCAPSULATION

If the human neural stem cells are encapsulated, then the following procedure may be used:

10 The hollow fibers are fabricated from a polyether sulfone (PES) with an outside diameter of 720 m and a wall thickness of a 100 m (AKZO-Nobel Wuppertal, Germany). These fibers are described in United States patents 4,976,859 and 4,968,733, herein incorporated by reference. The fiber may be chosen for its molecular weight cutoff. We sometimes use a PES#5 membrane which has a MWCO of about 280 kd. In other studies we use a PES#8 membrane which has a MWCO of about 90 kd.

15  
20  
25

The devices typically comprise:

- 1) a semipermeable poly (ether sulfone) hollow fiber membrane fabricated by AKZO Nobel Faser AG;
- 2) a hub membrane segment;
- 3) a light cured methacrylate (LCM) resin leading end; and
- 4) a silicone tether.

The semipermeable membrane used typically has the following characteristics:

Internal Diameter	500 + 30 m
Wall Thickness	100 + 15 m
Force at Break	100 + 15 cN
Elongation at Break	44 + 10%
Hydraulic Permeability	63 + 8 (ml/min m <sup>2</sup> mmHg)
nMWCO (dextrans)	280 + 20 kd

25 The components of the device are commercially available. The LCM glue is available from Ablestik Laboratories (Newark, DE); Luxtrak Adhesives LCM23 and LCM24). The tether material is available from Specialty Silicone Fabricators (Robles, CA). The tether dimensions are 0.79 mm OD x 0.43 mm ID x length 202 mm. The morphology of the device is as follows: The inner surface has a permselective skin. The wall has an open cell foam structure. The outer surface has an open structure, with pores up to 1.5 m occupying 30 + 5% of the outer surface.

30 Fiber material is first cut into 5 cm long segments and the distal extremity of each

segment sealed with a photopolymerized acrylic glue (LCM-25, ICI). Following sterilization

with ethylene oxide and outgassing, the fiber segments are loaded with a suspension of between  $10^4$  -  $10^7$  cells, either in a liquid medium, or a hydrogel matrix (e.g., a collagen solution (Zyderm®), alginate, agarose or chitosan) via a Hamilton syringe and a 25 gauge needle through an attached injection port. The proximal end of the capsule is sealed with the same acrylic glue..  
5 The volume of the device contemplated in the human studies is approximately 15-18 l.

A silicone tether (Specialty Silicone Fabrication, Taunton, MA) (ID: 690 m; OD: 1.25 mm) is placed over the proximal end of the fiber allowing easy manipulation and retrieval of the device.

10

**EXAMPLE 8**  
**TRANSPLANTATION OF NEURAL STEM CELLS**

We have transplanted human neural stem cells into rat brain and assessed graft viability, integration, phenotypic fate of the grafted cells, as well as behavioral changes associated with the grafted cells in lesioned animals.  
15

Transplantation was performed according to standard techniques. Adult rats were anesthetized with sodium pentobarbital (45 mg/kg, i.p.) And positioned in a Kopf stereotaxic instrument. A midline incision was made in the scalp and a hole drilled for the injection of cells. Rats received implants of unmodified, undifferentiated human neural stem cells into the left striatum using a glass capillary attached to a 10  $\mu$ l Hamilton syringe. Each animal received a total of about 250,000 - 500,000 cells in a total volume of 2  $\mu$ l. Cells were transplanted 1-2 days after passaging and the cell suspension was made up of undifferentiated stem cell clusters of 5-20 cells. Following implantation, the skin was sutured closed.  
20

Animals were behaviorally tested and then sacrificed for histological analysis.

**CLAIMS**

**We claim:**

1. A cell culture comprising proliferating human neural stem cells wherein the cells have a doubling rate faster than 30 days.
2. A cell culture comprising proliferating human neural stem cells wherein the cells have a doubling rate of 5 - 10 days.
3. A cell culture comprising human forebrain-derived neural stem cells.
4. A cell culture comprising differentiated human neural stem cells, and comprising greater than 10% neurons.
5. The culture of claim 4 wherein the cell culture comprises at least 20% neurons.
6. The culture of claims 4 or 5 wherein, of the neurons present, at least 20% are GABA positive.
7. A culture media for proliferating mammalian neural stem cells, the media comprising cell viability and cell proliferation effective amounts of the following components:
  - (a) a standard defined culture medium;
  - (b) a carbohydrate source;
  - (c) a buffer;
  - (d) a source of hormones;
  - (e) one or more growth factors that stimulate proliferation of neural stem cells;
  - (f) LIF.
8. The media of claim 7 wherein heparin is also present.

9. A composition for use in transplantation comprising mammalian neural stem cells, wherein said cells are substantially formed into neurospheres of a diameter between 10-500  $\mu\text{m}$  in diameter.
10. A method for protecting, repairing or replacing damaged tissue in a patient comprising transplanting mammalian neural stem cells comprising mammalian neural stem cells, wherein said cells are substantially formed into neurospheres of a diameter between 10-500  $\mu\text{m}$  in diameter.
11. A cell culture comprising differentiated human neural stem cells, wherein said differentiated cells comprise glioblast cells.

DRAFT - 8 SEPTEMBER 2010

## **ABSTRACT**

Isolation, characterization, proliferation, differentiation and transplantation of mammalian neural stem cells is disclosed.

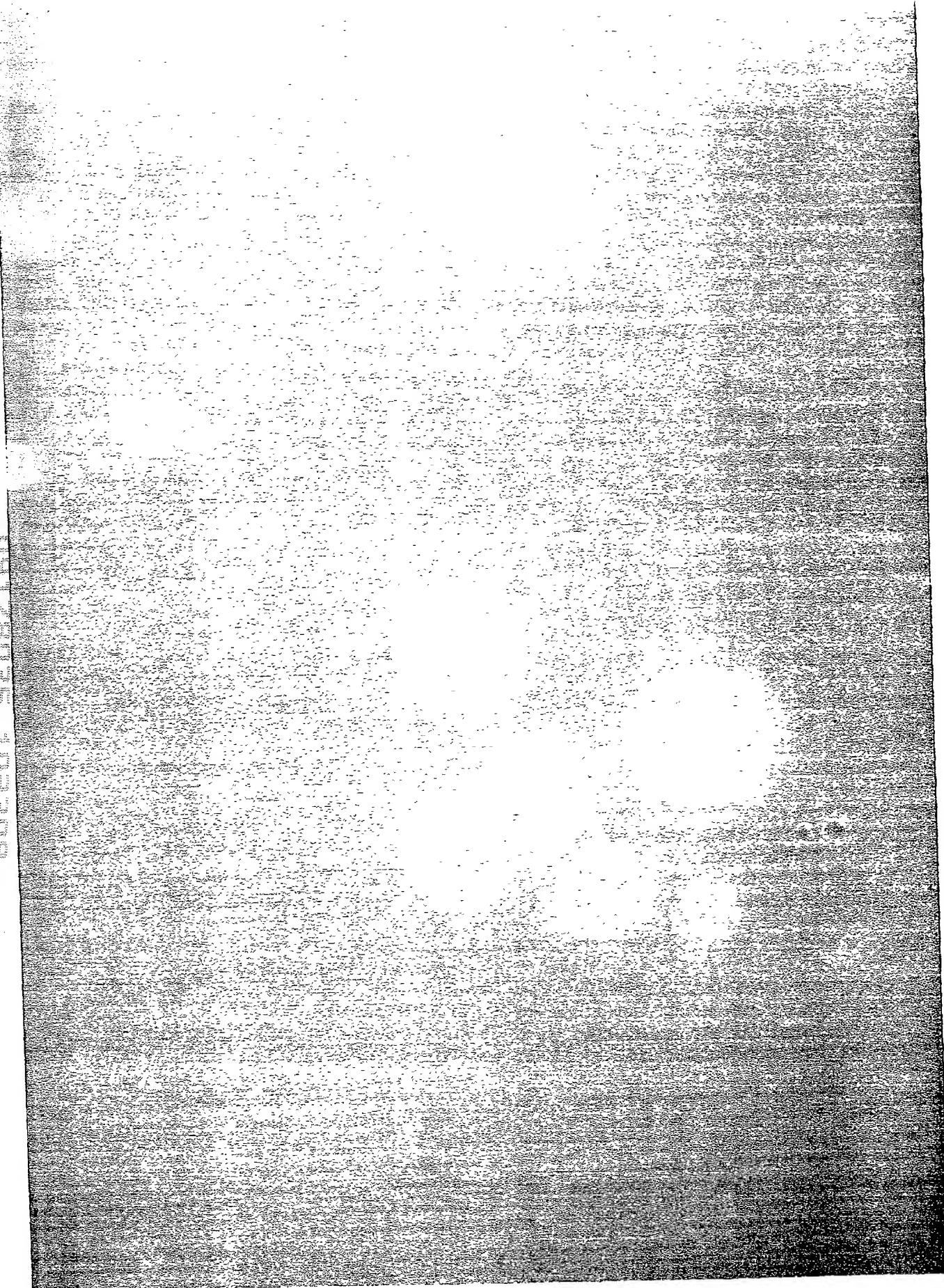


Fig. 1

## Human Stem Cell Growth Curves

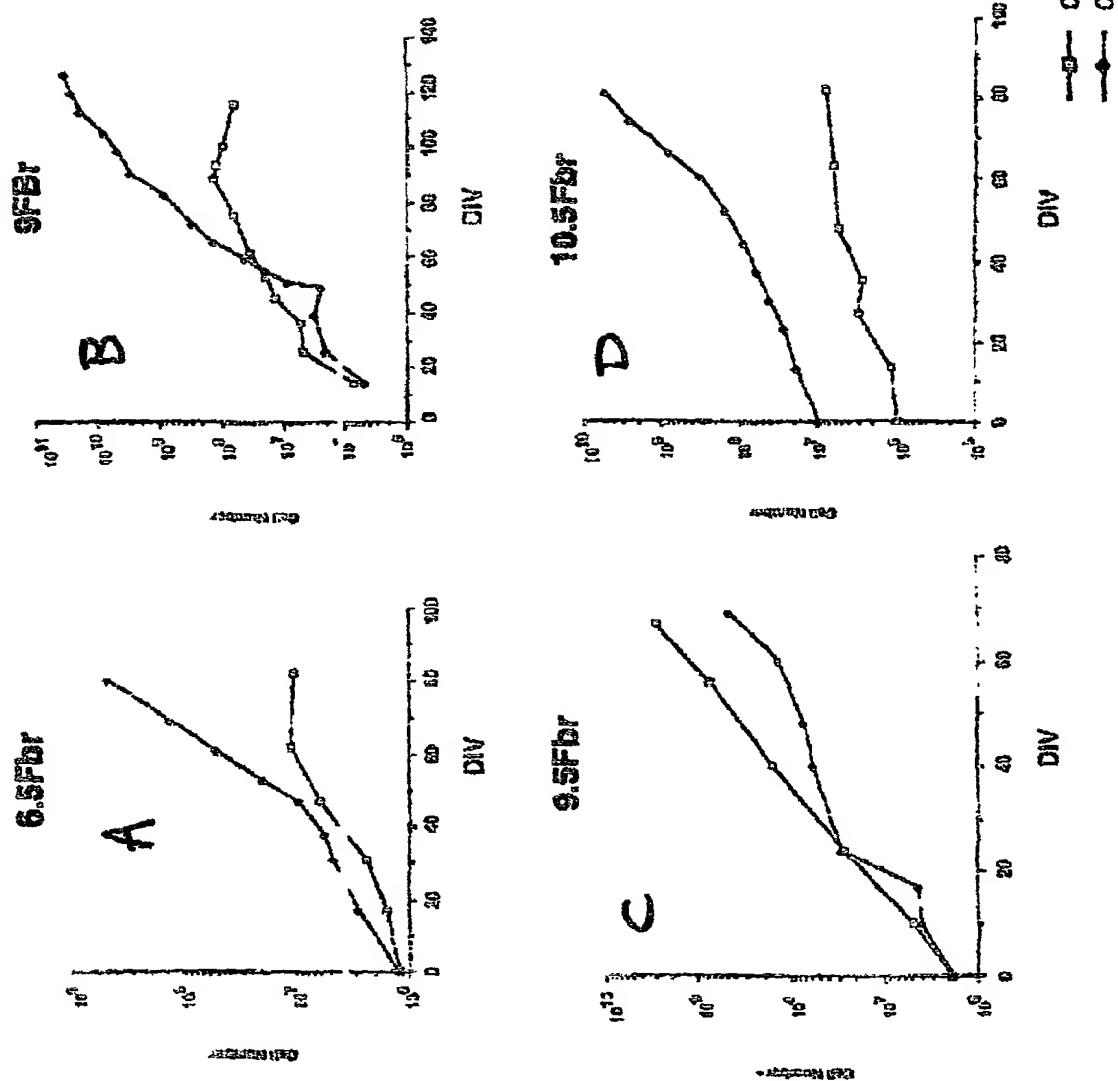


Fig. 2

**9FBr-19/2 Growth Curve  
+/- FGF**

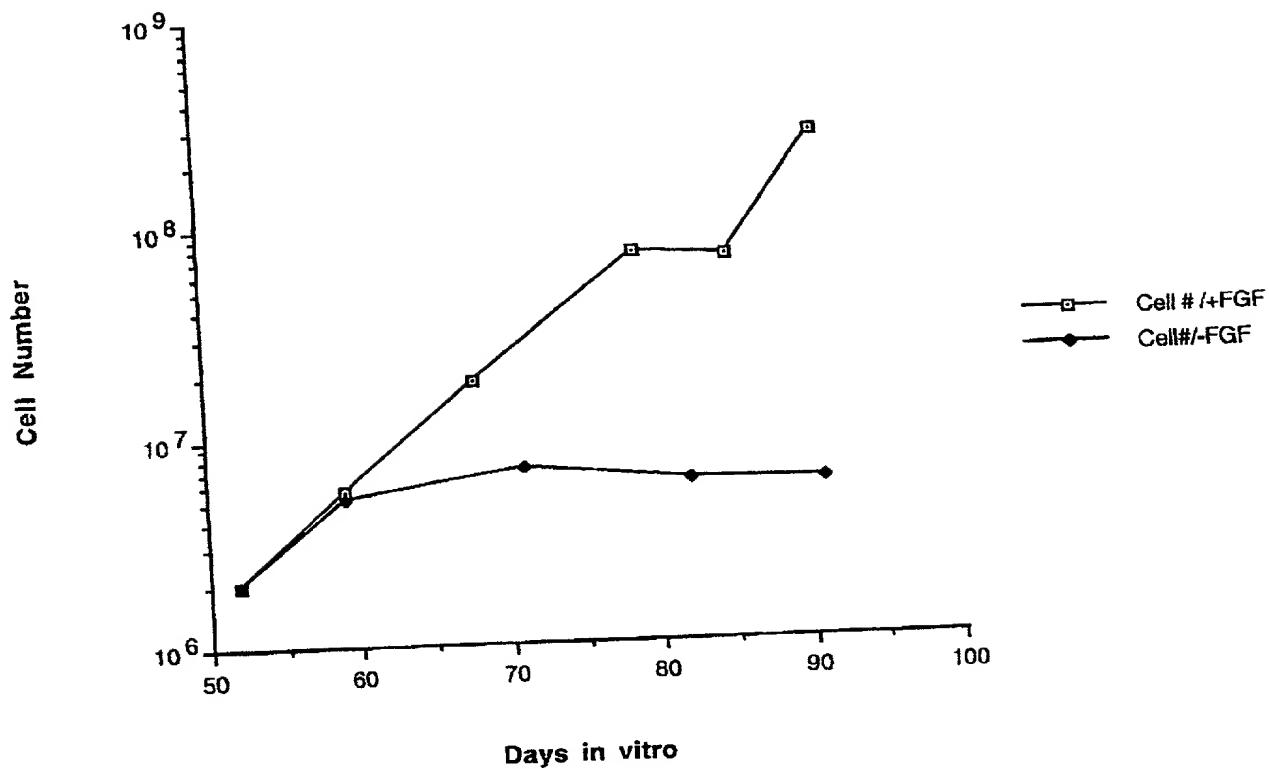


Fig. 3

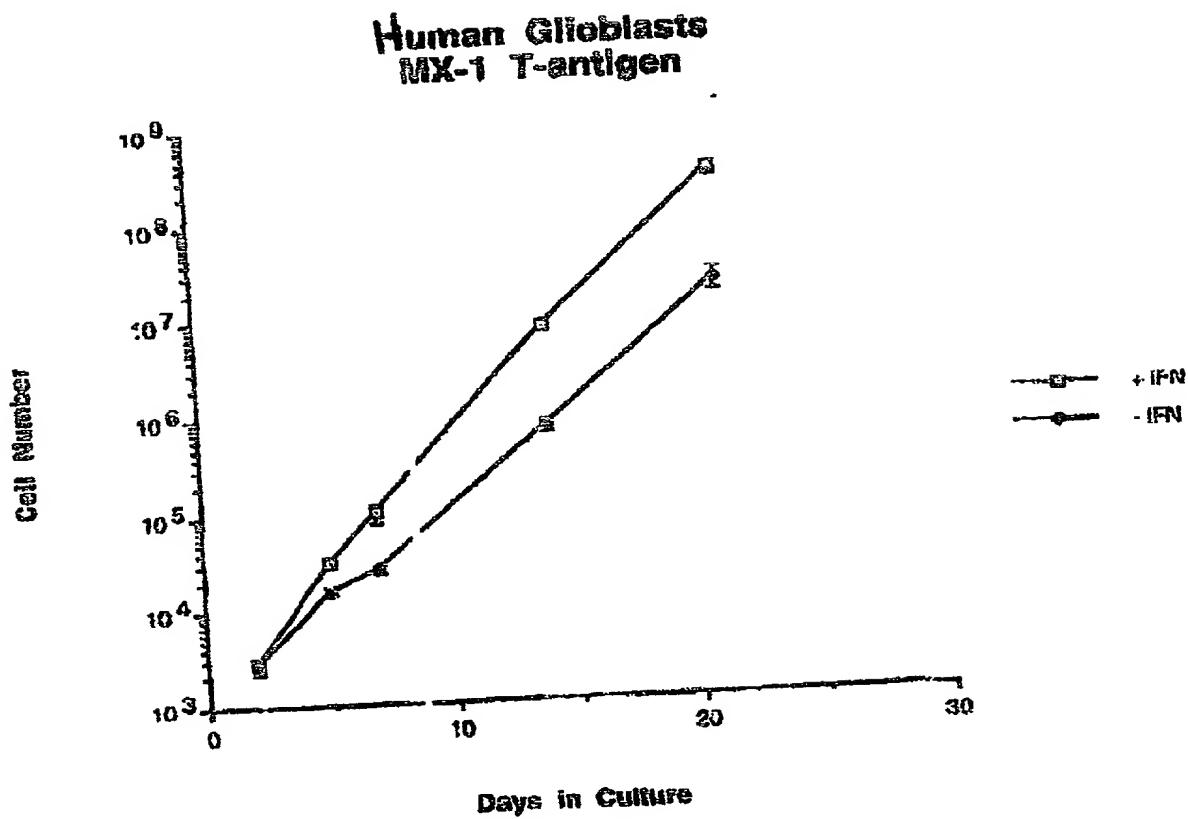


Fig. 4

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**HUMAN CNS NEURAL STEM CELL**

the specification of which

(check one)      [ ] is attached hereto

[X] was filed on September 5, 1997 as  
Application Serial No. 08/926,313  
and was amended on                         .  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

			Priority <u>Claimed</u>	
(Number)	(Country)	(Day/Month/Year Filed)	[ ] Yes	[ ] No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

As a named inventor, I hereby appoint the following attorneys or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Ivor R. Elrifi, (Reg. No. 39,529)

Send correspondence to:

Ivor R. Elrifi

Mintz Levin

One Financial Center

Boston, Massachusetts 02111

Direct telephone calls to:

Ivor R. Elrifi

(617) 542 6000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Melissa Carpenter

First Inventor's signature MK Carpenter

Date 1/26/98

Residence Lincoln, RI

Citizenship United States

Post Office Address 2303 Wake Robin Road

Lincoln, Rhode Island 02865

Full name of second joint inventor \_\_\_\_\_

Second Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence \_\_\_\_\_

Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

\_\_\_\_\_

Applicant or Patentee: Carpenter  
Serial or Patent No.: 08/926,313  
Filed or Issued: September 5, 1997  
For: HUMAN CNS NEURAL STEM CELLS

Attorney's Docket No. CTI-49

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§ 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf  
of the concern identified below:

NAME OF CONCERN CYTOTHERAPEUTICS, INC.  
ADDRESS OF CONCERN 701 George Washington Hwy, Lincoln, RI 02865

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9(d), for the purpose of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled HUMAN CNS NEURAL STEM CELLS by inventors CARPENTER described in:

- the specification filed herewith  
 application serial no. 08/926,313, filed September 5, 1997  
 patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 C.F.R. § 1.27).

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

[ ] INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Frederic A. Eustis, III

TITLE OF PERSON OTHER THAN OWNER Executive Vice President

ADDRESS OF PERSON SIGNING 701 George Washington Hwy, Lincoln, RI

SIGNATURE Frederic A. Eustis, III DATE 1/26/98

Express Mail No.: EI518453985US  
Date of Deposit: 10/23/98

CTI-49 (Div. 1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

---

Examiner : To be assigned  
Group Art Unit : To be assigned  
Applicant : Carpenter  
Serial No. : To be assigned  
Divisional Application of  
Serial No. : 08/926,313  
Filed : September 5, 1997  
For : HUMAN CNS NEURAL STEM CELLS

---

**Box Patent Application**

Commissioner for Patents  
Washington, D.C. 20231

Boston, Massachusetts  
October 23, 1998

**ASSOCIATE POWER OF ATTORNEY**

An Associate Power of Attorney is hereby granted to the following attorney to conduct all business in the United States Patent and Trademark Office concerned with this application:

John Prince (Reg. No. 43,019)  
c/o MINTZ LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Telephone: (617) 542-6000

Respectfully submitted,



Ivor R. Elrifi (Reg. No. 39,529)  
Attorney for Applicants  
c/o MINTZ LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Telephone: (617) 542-6000  
Telefax: (617) 542-2241